

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

VISALIA UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014110948

ORDER GRANTING PEREMPTORY  
CHALLENGE

On March 25, 2015, Visalia Unified School District (Visalia) filed a peremptory challenge seeking to disqualify Administrative Law Judge Teresa Ravandi from hearing this case. Visalia's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act (APA).

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an OAH hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the hearing, any challenge to the assigned ALJ shall be made no later than commencement of that PHC. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

The PHC in this matter is currently set for 10:00 a.m. on March 27, 2015. Student's peremptory challenge is timely made and is granted pursuant to Government Code section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c). The matter will be reassigned to ALJ Joy Redmond, and the commencement time for the PHC shall be changed to 1:00 p.m.

## ORDER

1. Visalia's challenge of ALJ Teresa Ravandi is granted.
2. The matter is reassigned to ALJ Joy Redmond.
2. The PHC currently set for 10:00 a.m. on March 27, 2015, shall now begin at 1:00 p.m. on March 27, 2015. OAH will initiate the call.

DATE: March 26, 2015

/s/

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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings